

GIBSON, DUNN & CRUTCHER LLP
LAUREN R. GOLDMAN (admitted *pro hac vice*)
lgoldman@gibsondunn.com
DARCY C. HARRIS (admitted *pro hac vice*)
dharris@gibsondunn.com
200 Park Avenue
New York, NY 10166
Telephone: (212) 351-4000
Facsimile: (212) 351-4035

ELIZABETH K. MCCLOSKEY, SBN 268184
emccloskey@gibsondunn.com
ABIGAIL A. BARRERA, SBN 301746
abarrera@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105
Telephone: (415) 393-8200
Facsimile: (415) 393-8306

COOLEY LLP
MICHAEL G. RHODES, SBN 116127
rhodesmg@cooley.com
KYLE C. WONG, SBN 224021
kwong@cooley.com
CAROLINE A. LEBEL, SBN 340067
clebel@cooley.com
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

*Attorneys for Defendant Meta Platforms, Inc.
(formerly known as Facebook, Inc.)*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

FULLSTORY, INC., META PLATFORMS,
INC., TIKTOK, INC., AND BYTEDANCE
INC.,

Defendants.

Case No. 3:23-cv-00059-WHO

**STIPULATION AND ~~[PROPOSED]~~ ORDER
REGARDING BRIEFING ON MOTIONS TO
DISMISS AND CONTINUING CASE
MANAGEMENT CONFERENCE**

Action Filed: January 5, 2023

Honorable William H. Orrick

Pursuant to Civil Local Rules 6-1(a)-(b) and 7-12, Plaintiff Jane Doe (“Plaintiff”) and Defendants Meta Platforms, Inc. (“Meta”), FullStory, Inc. (“FullStory”), TikTok Inc. (“TikTok”), and ByteDance Inc. (“ByteDance”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed this action on January 5, 2023;

WHEREAS, then-Defendant Hey Favor, Inc. (“Hey Favor”) filed a notice of pendency of bankruptcy proceeding on April 27, 2023, staying the case (ECF Nos. 63, 72);

WHEREAS, the Court lifted the stay on July 24, 2023, and ordered Plaintiff to “file a voluntary dismissal with prejudice of Hey Favor and the aiding and abetting claims, as well as [an] amended complaint” by July 31, 2023 (ECF No. 83);

WHEREAS, the Court’s July 24, 2023 order set a Case Management Conference for September 19, 2023 (ECF No. 83);

WHEREAS, the Court’s July 24, 2023 order did not set a deadline for Meta, FullStory, TikTok, or ByteDance to respond to Plaintiff’s forthcoming amended complaint;

WHEREAS, Plaintiff voluntarily dismissed with prejudice Hey Favor, voluntarily dismissed her aiding and abetting cause of action, and filed her amended complaint on July 31, 2023 (ECF Nos. 84, 85);

WHEREAS, each Defendant currently intends to file a motion to dismiss and the parties conferred regarding a briefing schedule for those anticipated motions to dismiss, considering the complexity of the issues in this action;

WHEREAS, the parties agree that setting a briefing schedule for the contemplated motions to dismiss will facilitate the efficient resolution of any dispute and conserve judicial resources;

WHEREAS, the parties agree that good cause exists for a continuance of the Case Management Conference to allow the parties to brief the anticipated motions to dismiss, which may impact the scope of the issues to be discussed at the Case Management Conference and would conserve the parties’ and the Court’s resources;

WHEREAS, the parties further agree that they can proceed to seek third-party discovery from Hey Favor;

WHEREAS, the proposed stipulation will not alter the date of any event or deadline already fixed by Court order, except the September 19, 2023 Case Management Conference;

NOW, THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that:

1. Each Defendant shall file its motion to dismiss or otherwise respond to the amended complaint on or before September 1, 2023;

2. Plaintiff shall file her oppositions to Defendants' motions to dismiss on or before October 13, 2023;

3. Each Defendant shall file its reply in support of its motion to dismiss on or before October 30, 2023;

4. Any hearing on the motions to dismiss shall be set for November 8, 2023 at 2:00 p.m., or at such later time as the Court determines;

5. The Case Management Conference currently scheduled for September 19, 2023 shall be continued to a date after the Court's ruling on the anticipated motions to dismiss; and

6. The parties may pursue third-party discovery from Hey Favor.

IT IS SO STIPULATED.

Dated: August 11, 2023

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Darcy C. Harris
Darcy C. Harris

LAUREN R. GOLDMAN (admitted *pro hac vice*)
DARCY C. HARRIS (admitted *pro hac vice*)
lgoldman@gibsondunn.com
dharris@gibsondunn.com
200 Park Avenue
New York, NY 10166
Telephone: (212) 351-4000
Facsimile: (212) 351-4035

ELIZABETH K. MCCLOSKEY, SBN 268184
emccloskey@gibsondunn.com
ABIGAIL A. BARRERA, SBN 301746
abarrera@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105
Telephone: (415) 393-4622
Facsimile: (415) 801-7389

COOLEY LLP

By: /s/ Michael G. Rhodes
Michael G. Rhodes

MICHAEL G. RHODES, SBN 116127
rhodesmg@cooley.com
KYLE C. WONG, SBN 224021
kwong@cooley.com
CAROLINE A. LEBEL, SBN 340067
clebel@cooley.com
3 Embarcadero Center, 20th Floor
San Francisco, CA 94111-4004
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

*Attorneys for Defendant Meta Platforms, Inc.
(formerly known as Facebook, Inc.)*

Dated: August 11, 2023

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Anthony J. Weibell
Anthony J. Weibell, State Bar No. 238850
Thomas R. Wakefield, State Bar No. 330121
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100
Email: aweibell@wsgr.com; twakefield@wsgr.com

Victor Jih, SBN 186515
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1900 Avenue of The Stars, 28th Floor
Los Angeles, CA 90067
Telephone: (424) 446-6900
Facsimile: (866) 974-7329
Email: vjih@wsgr.com

*Attorneys for Defendants
TikTok Inc. and ByteDance Inc.*

1 Dated: August 11, 2023

COVINGTON & BURLING LLP

2 By: /s/ Emily Johnson Henn
3 EMILY JOHNSON HENN (SBN 269482)
4 ehenn@cov.com
5 COVINGTON & BURLING LLP
6 3000 El Camino Real
7 5 Palo Alto Square, 10th Floor
8 Palo Alto, CA 94306-2112
9 Telephone: + 1 (650) 632-4700
10 Facsimile: + 1 (650) 632-4800

11 CORTLIN H. LANNIN (SBN 266488)
12 clannin@cov.com
13 MATTHEW Q. VERDIN (SBN 306713)
14 mverdin@cov.com
15 COVINGTON & BURLING LLP
16 Salesforce Tower
17 415 Mission Street, Suite 5400
18 San Francisco, CA 94105-2533
19 Telephone: + 1 (415) 591-6000
20 Facsimile: + 1 (415) 591-6091

Attorneys for Defendant FullStory, Inc.

21 Dated: August 11, 2023

LOWEY DANNENBERG, P.C.

22 By: /s/ Christian Levis
23 Christian Levis (admitted *pro hac vice*)
24 Amanda Fiorilla (admitted *pro hac vice*)
25 Rachel Kesten (admitted *pro hac vice*)
26 Christopher Devivo (*pro hac vice* forthcoming)
27 44 South Broadway, Suite 1100
28 White Plains, NY 10601
Tel.: (914) 997-0500
Fax: (914) 997-0035
clevis@lowey.com
afiorilla@lowey.com
rkesten@lowey.com
cdevivo@lowey.com

LYNCH CARPENTER, LLP

(Eddie) Jae K. Kim (CA Bar No. 236805)
117 East Colorado Blvd., Suite 600
Pasadena, CA 91105
Tel.: (626) 550-1250
ekim@lcllp.com

LYNCH CARPENTER, LLP

Gary F. Lynch (admitted *pro hac vice*)

Jamisen A. Etzel (admitted *pro hac vice*)

Nicholas A. Colella (admitted *pro hac vice*)

1133 Penn Ave., 5th Floor

Pittsburgh, PA 15222

Tel.: (412) 322-9243

gary@lcllp.com

jamisen@lcllp.com

nickc@lcllp.com

Attorneys for Plaintiff and the Proposed Class

CIVIL L.R. 5-1(h)(3) ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I, Darcy C. Harris, hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained from all signatories.

Dated: August 11, 2023

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Darcy C. Harris

Darcy C. Harris

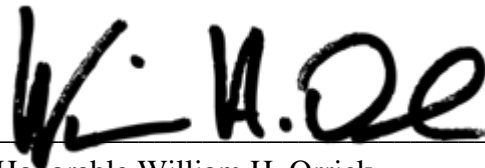
[PROPOSED] ORDER

Pursuant to the Parties' stipulation, the Court hereby orders as follows:

1. Each Defendant shall file its motion to dismiss or otherwise respond to the amended complaint on or before September 1, 2023;
2. Plaintiff shall file her oppositions to Defendants' motions to dismiss on or before October 13, 2023;
3. Each Defendant shall file its reply in support of its motion to dismiss on or before October 30, 2023;
4. Any hearing on the motions to dismiss shall be set for **November 15, 2023**;
5. The Case Management Conference currently scheduled for September 19, 2023 shall be continued to **January 9, 2024 at 2:00 p.m.**; and
6. The parties may pursue third-party discovery from Hey Favor.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 11, 2023



Honorable William H. Orrick
United States District Judge